## II. A CONGRESSIONAL CONSTITUTE FOR THE CHEMICAL INVESTIGATE AGENTY

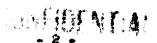
- l. There are four present proposals being considered in connection with a "Watch Bog" Congressional Conmittee for the Central Intelligence Agency.
- 2. The first proposal involves so change from engreet procedures. The Coutral Intelligence Agency requests for appropriations are hemilal by special subcommittees of the Committees on Appropriations and this procedure will be continued even if a Joint Committee were established. Central Intelligence Agency requests for substantive legislation are mornally presented to the Armed Bervices Committees of both Houses, except in those instances where the legislation specifically falls within the jurisdiction of other Committees. Thus, the 33rd Congress, the legislation authorizing the position of Deputy Director of Central Intelligence, as well as the nominations of the Director and Deputy Director, were handled by the Armed Services Committee. However, certain examptions for the Agency in connection with foreign stonic energy information were quite properly included in the Atomic Spergy Act of 1954 before the Joint Committee on Atomic Energy and certain personnel legislation for CIA was included in legislation before the Committees on Post Office and Civil Service. Even if a Soint Committee on Central Intelligence had been in existence, the Atomic Emergy and personnel items would have been properly before these other committees. It should also be noted that the status que appears to be preferred by the leadership of both Armed Services Committees and the House Apprepriations Committee, all of whom have expressed strong opposition to a Joint Committee on Central Intelligence.
- Committees of both Houses establish subcommittees on Central Intolligence composed of three members in each House, if the committee
  smets jointly, and five members if they smet separately. (In these
  instances where the Senate Armed Services Committee has held subcommittee hearings on CIA in the past, the subcommittees have
  committee hearings on CIA in the past, the subcommittees have
  committee hearings on CIA in the past, the subcommittee of the thirtynix-man House Armed Services Committee may not be deemed to give
  a sufficient appeal). The proposal that the Armed Services Committees
  set up a special subcommittee on Contral Intelligence has merit as
  all functional legislation for the Agency comes before these committees.
  Therefore, it would appear that these chamittees could best uncruise
  a "Watten Hog" position with regard to CIA. With appropriate approaches
  leadership, such subcommittees could request the paterral of any



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complaints regarding CLA to themselves, and could rise to the defence of the Agency when the latter is publicly attached by stating that they have already, or vill immediately, look into the subject matter of the attack.

- 4. The other two proposals involve the establishment of special committees on Gentral Intelligence. One ouggestion is that a special joint committee be selected by the Vice President and the Special of the House, and the second is that its members be drawn from emerg the numbers of the Agused Services and Appropriations Committees of the two Mouses.
- 5. In order to astablish a joint Congressional committee, it is necessary to have some form of legislative enactment. Thus, the Joint Congressional Committee on Atomic Energy is established by the Atomic Emergy Acts of 1946 and 1954. However, the majority of such committees are established in the individual Bouses by Senate or House resolutions, or by concurrent resolutions where the committees are joint. These resulations are expressions of the vill of the Congress and do not require Presidential approval. If a resolution is passed to establish a joint committee on Central Intelligence, the standard language would authorize the appointment of the Senate members by the President of the Senate and the Hisune members by the Speaker of the House. As a normal procedure, the majority and mimority leaders are consulted in these appointments, and their recommendations carry considerable weight. The establishment of such a committee would normally carry with it the standard authority requiring the production of all testimony, books and records, the holding of hearings and the authority of subpoens. The Committee would also have the authority to appoint a staff.
- 6. If the resolution provides specifically that the mambers of such a joint committee should be drawn from the symbers of the Armed Bervices and Appropriations Committees, it should be noted that there is a general reluctance, at least in the House, for Appropriations' Committee members to serve on joint committees, where their substantive action might be considered binding on their subsequent appropriations action. The appropriations' extherity is so jealously guarded that the subcounittees normally require complete review of Agency activities regardless of the acts of substantive committees authorizing such activities. The fact that three or five Saulor members of the Appropriations Committee were to sit as sembers of a Joint Committee on Cental Intelligence would in no way obviste the need for fell hearings before the CIA Appropriations Subcounittee. In addition, a resolution limiting such a special subcommittee to selected members of the Armed Services and Appropriations Subcommittees might well meet objection from the Committees on Foreign Affairs and the Judiciary, and possibly from a my Joint Committee on Internal Security if one were established.



- T. The fact that a substantial number of Senators have proposed a Joint Congressional Committee on Central Intelligence reflects Congressional feeling for greater Congressional knowledge of the activities of CIA. This would tend to indicate that the first alternative--namely the retestion of the status que in CIA-Congressional relations is no longer advisable. On the other hand, it should be reiterated that there are leaders in the Congress who feel that there should be so change in the current relationship.
- 8. In connection with the alternative to establish a Joint Committee on Central Intelligence, the following points should be sobted:
  - a. If such a Committee were established, its jurisdiction should be limited to organizational and administrative matters and not include review of CIA operations as such. If a Joint Committee were to attempt to substitute its judgement for that of the Executive Branch, or emercise a veto power over specific operations, a serious Constitutional problem involving the doctrine of separation of powers would certainly arise.
  - b. The greatest care would have to be taken in selecting the members of this Joint Cammittee, and for security reasons it should be kept to the smallest possible size, prefuzable three members from each House.
  - c. A Joint Committee would require a special staff whigh would eventually some into passession of more information regarding the secret operations of the American intelligence service than is possessed by any but a few of the must senior officials of the Agency. This presents a serious magurity problem.
  - d. The workload of a Joint Committee on Central Intelligence would be comparatively small. The Central Intelligence Agency averages about one piece of legislation a year as epposed to the Atomic Energy Commission which has about twenty bills a Session. The many public facuts of the work of the Atomic Energy Commission includes the epuration of towns, adjudication of patent claims, peacetime applications of atomic energy, etc. This presents a heavy workload for the Joint Committee on Atomic Energy which would not be present in commection with CIA. A light workload would tend to justify a separate Joint Committee and staff, but would tend to support the proposition that existing Oragressional Committees—samely Armed Services—could include CIA within their own jurisdiction.

9. In view of the above, it would appear to be preferable if the Armed Services Committees would emercise jurisdiction is (either jointly or separately) over CIA. This jurisdiction is suply supported by the standing rules of the Semate and the House. Suply supported by the standing rules of the Semate and the House. These Committees could be informed on the general activities of the Agency, and its similaration, and could continue to handle the Agency, and its similaration. They could be found points for complaints forwarded to the Congress and serve as the "Natch for complaints forwarded to the Congress and serve as the "Natch for complaints forwarded to the Congress and serve as the Torthright house by the Armed Services Committee of this responsibility would go a long way toward answering the implied criticisms of those was feel that the Congress is not sufficiently informed those was feel that the Congress is not sufficiently informed regarding the Agency, and would not rules the serious problems which would be inherent in a separate Joint Committee on Contral Intelligence.